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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,001	10/24/2003	William C. Phillips	1023-291 US01	9336

28863 7590 10/02/2007  
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EXAMINER
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FLORY, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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3762

MAIL DATE	DELIVERY MODE
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10/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/693,001

Applicant(s)

PHILLIPS ET AL.

Examiner

Christopher A. Flory

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 July 2007 has been entered.

### ***Response to Amendment***

2. The Declaration under 37 CFR 1.132 filed 27 November 2006 has been considered, but is insufficient to overcome the rejection of claims 1-9 and 11-35 based upon 35 U.S.C. §103. The proposed dates do not antedate the applied art.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 16, 18-27 and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cimochoowski et al. (US Patent 5,967,986, hereinafter Cimochoowski'986) in view of Wallerstorfer et al. (US 5,478,995, hereinafter

Art Unit: 3762

Wallerstorfer'995) or in view of Lippert (US 6,634,563, hereinafter Lippert'563) or in view of McEowen (US 6,810,237, hereinafter McEowen'237).

In reference to claims 1, 4, 18, 25, 27, 29, 30, 31, 33 and 34, the Cimochoowski'986 patent teaches a signal transfer unit (see abstract) enabling transfer of physiological data from a physiological sensor attached to a mammalian subject in use (which includes both internal and external devices), to a remote base station (see abstract and fig. 12). According to the Webster's II New Riverside University dictionary the ring like structure of figures 12 within the Cimochoowski'986 patent fit the definition of both a channel and an aperture because an aperture is defined as *an opening as a hole gap or slit*, and a channel is defined as *a course through which something can be directed or moved*, and though such a ring was not constructed to, it is still capable of holding a portion of clothing associated with a patient due to the fact that the clothing can be placed within the opening, and in turn hold the ring shaped antennae in a relatively fixed position relative to an implanted medical device. The Cimochoowski'986 patent teaches the use of a cable or cord of some sort to connect the coil with the power supply and monitoring cable (see fig. 12), and further the antenna of Cimochoowski'986 clearly defines the aperture therein.

Further regarding claims 1, 9, 18 and 25, Cimochoowski'986 discloses the invention substantially as claimed including that the antenna define the aperture and that the aperture be formed to hold a portion of an item of clothing, but does not expressly disclose that the aperture have a wide end and a narrow channel adjacent the wide end. In the same problem solving area (the area of attaching items comprising

Art Unit: 3762

antennas securely to clothing), both Lippert'563 and Wallerstorfer'995 teach antenna tags wherein an aperture comprises a wide end and a channel adjacent to the wide end formed to hold a portion of an item of clothing and hold the antenna in a substantially fixed position (Lippert'563 abstract; Wallerstorfer'995: Fig. 10, aperture 47; column 6, lines 44-66). In the same field of endeavor, McEowen'237 teaches an antenna defining an aperture with a wide end and a narrower channel (Fig. 1, loop 9) in order to attach a communications device to the clothing of a user with additional security against dropping of the device and to provide an improved antenna (column 2, lines 19-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Cimochoowski'986 with the antenna aperture capable of holding an article of clothing as taught by any of Lippert'563, Wallerstorfer'995, and McEowen'237 in order to provide the Cimochoowski'986 system with the same advantages of holding an antenna in a substantially fixed position.

In reference to claims 2 and 19, the ring shaped antenna of figure 12 inherently possesses a wide end that can be used for the insertion of clothing.

In reference to claims 3 and 20, because the opening of the coil can be defined as both a channel and an aperture, if the coil of the device were held vertically then rotated about its vertical axis, the channel/aperture of the device would appear to be much thinner than the channel/aperture of the coil that is not rotated. The examiner suggests that the applicant alters the phraseology of the claim to state that the thinner channel is disposed next to, above, or beneath the wider aperture, or something of the like.

Art Unit: 3762

In reference to claims 5, 6, 21 and 22, the Cimochoowski'986 patent discloses the claimed invention except for rubberized grips. It would have been obvious to one of ordinary skill in the art at the time of the invention's conception to modify the antenna of the claimed device with rubberized grips since it is known in the art that rubberized grips can be used to improve the device's portability.

In reference to claims 7 and 23, referring to an object or orifice, as being teardrop shaped is quite broad considering the fact that a teardrop can be a multitude of shapes considering its environment. Teardrops can appear to be circular, similar to the coil of the Cimochoowski'986 patent, in many environments.

In reference to claims 8 and 24, and further regarding claims 30 and 33, though the Cimochoowski'986 patent does not teach the use of an insulative telemetry head housing that encases the antenna, the Cimochoowski'986 patent does teach the use of telemetry coil that acts as antennae (see fig. 12) and such housing is common in the art. Thus it would have been obvious to one of ordinary skill in the art to incorporate such housing into the Cimochoowski'986 invention to protect the coils from damage and as a result of the commonality of said housing in the art.

In reference to claims 16 and 26, the Cimochoowski'986 patent discloses the claimed invention except for a neurostimulator, however the Cimochoowski'986 patent does teach the use of an implanted device in conjunction with an external programming device, and the use of an external programmer in conjunction with an internal device is quite common. Thus it would have been obvious to one of ordinary skill in the art at the time of the claimed invention's conception to modify the implanted neuralstimulator with

Art Unit: 3762

an external programmer due to the commonality of such a combination and to provide the user with a convenient means for adjusting the stimulation parameters of the implanted device.

Regarding claims 32 and 35, Cimochoowski'986 discloses plastic materials.

Furthermore, molded plastic housings are well known in the biomedical art.

5. Claims 9, 11-23, 25, 26, 28, 29 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool et al. (US Patent 6,561,975, hereinafter Pool'975) in view of Lippert'563 or in view of Wallerstorfer'995 or in view of McEowen'237.

In reference to claim 9, 11, 20, 33 and 34, the Pool'975 patent teaches a device that is capable of communicating with an implanted device, as well as teaching that the antenna can be housed within a belt (see column 8, lead lines 34-38). Such a housing inherently possesses the ability to have clothing pulled through the channel created by buckling the belt, thereby holding the antenna in a substantially fixed position relative to the implanted device, and wherein the antenna clearly defines the aperture within the belt.

Further regarding claim 9, Pool'975 is considered to disclose the invention substantially as claimed, including an antenna defining the aperture and the aperture being capable of holding a portion of an item of clothing, but does not expressly disclose that the aperture comprise a wide end and a narrow channel adjacent the wide end. In the same problem solving area (the area of attaching items comprising antennas securely to clothing), both Lippert'563 and Wallerstorfer'995 teach antenna tags wherein an aperture comprises a wide end and a channel adjacent to the wide end formed to

Art Unit: 3762

hold a portion of an item of clothing and hold the antenna in a substantially fixed position (Lippert'563 abstract; Wallerstorfer'995: Fig. 10, aperture 47; column 6, lines 44-66). In the same field of endeavor, McEowen'237 teaches an antenna defining an aperture with a wide end and a narrower channel (Fig. 1, loop 9) in order to attach a communications device to the clothing of a user with additional security against dropping of the device and to provide an improved antenna (column 2, lines 19-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Cimochoowski'986 with the antenna aperture capable of holding an article of clothing as taught by any of Lippert'563, Wallerstorfer'995, and McEowen'237 in order to provide the Cimochoowski'986 system with the same advantages of holding an antenna in a substantially fixed position.

In reference to claims 13, 14, 21 and 22, the Pool'975 patent discloses the claimed invention except for rubberized grips. It would have been obvious to one of ordinary skill in the art at the time of the invention's conception to modify the antenna of the claimed device with rubberized grips since it is known in the art that rubberized grips can be used to improve the device's portability.

In reference to claims 16, 17 and 26, the Pool'975 patent discloses the claimed invention except for a neurostimulator, however the Pool'975 patent does teach the use of an implanted device in conjunction with an external programming device, and the use of an external programmer in conjunction with an internal device is quite common. Thus it would have been obvious to one of ordinary skill in the art at the time of the claimed invention's conception to modify the implanted neurostimulator with an external



Art Unit: 3762

programmer due to the commonality of such a combination and to provide the user with a convenient means for adjusting the stimulation parameters of the implanted device.

In reference to claims 19, 25, 28 and 29, the Pool'975 patent teaches a device that is capable of communicating with an implanted device, as well as teaching that the antenna can be housed within a belt (see column 8, lead lines 34-38). Such a housing inherently possesses the ability to have clothing pulled through the channel created by buckling the belt, thereby holding the antenna in a substantially fixed position relative to the implanted device. The Pool'975 patent teaches a signal transfer unit (see abstract) enabling transfer of physiological data from a physiological sensor attached to a mammalian subject into a remote device (see abstract). According to the Webster's II New Riverside University dictionary the ring like structure of the belt described within the Pool'975 patent (see column 8, lead lines 34-38) fits the definition of both a channel and an aperture because an aperture is defined as *an opening as a hole gap or slit*, and a channel is defined as *a course through which something can be directed or moved*, and though such a ring was not constructed to, it is still capable of holding a portion of clothing associated with a patient due to the fact that the clothing can be placed within the opening, and in turn hold the ring shaped antennae in a relatively fixed position relative to an implanted medical device. The Pool'975 patent teaches the use of a "wand or some other extendible head, containing at least an antenna, is connected to the remainder of the programmer unit via a stretchable coil cable..." (See column 3, lines 6-11).

In reference to claim 15, referring to an object or orifice as being teardrop shaped is quite broad, considering the fact that a teardrop can be a multitude of shapes considering the environment. Teardrops can appear to be circular, similar to the belt like housing of the Pool'975 patent, in many environments.

In reference to claims 12 and 18, the Pool'975 patent teaches a signal transfer unit (see abstract) enabling transfer of physiological data from a physiological sensor attached to a mammalian subject in to a remote device (see abstract). According to the Webster's II New Riverside University dictionary the ring like structure of the belt described within the Pool'975 patent (see column 8, lead lines 34-38) fits the definition of both a channel and an aperture because an aperture is defined as *an opening as a hole gap or slit*, and a channel is defined as *a course through which something can be directed or moved*, and though such a ring was not constructed to, it is still capable of holding a portion of clothing associated with a patient due to the fact that the clothing can be placed within the opening, and in turn hold the ring shaped antennae in a relatively fixed position relative to an implanted medical device. The Pool'975 patent teaches the use of a "wand or some other extendible head, containing at least an antenna, is connected to the remainder of the programmer unit via a stretchable coil cable..." (See column 3, lines 6-11).

In reference to claim 23, referring to an object or orifice, as being teardrop shaped is quite broad considering the fact that a teardrop can be a multitude of shapes considering the environment. Teardrops can appear to be circular, similar to the aforementioned belt like housing of the Pool'975 patent, in many environments.

Art Unit: 3762

Regarding claim 35, molded plastic housings are well known in the art.

6. Claims 1-9 and 11-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taepke, II et al. (US 6,650,939, hereinafter Taepke'939) in view of Lippert'563 or in view of Wallerstorfer'995 or in view of McEowen'237.

Regarding claims 1, 2, 4, 5, 8, 9, 12, 13, 18, 19, 21, 24, 25, 27-31, 33 and 34, Taepke'93 clearly discloses an antenna for medical devices and method therefor (title; abstract; Figure 2) comprising a device housing (Fig. 2, antenna head 22 or Fig. 1, device 100); telemetry circuitry (Fig. 3, telemetry 32); a cable coupling the antenna to telemetry circuitry (Fig. 2, cable between antenna 22 and DUI 24; wherein the edges of the antenna head can inherently be considered grip surfaces, since they must necessarily be handled in order to place the antenna head; and wherein the antenna defines an aperture and is formed to hold a portion of an item of clothing associated with the patient (column 5, line 7).

Further regarding claims 1, 9, 18, 25 and 30, and regarding claims 3, 7, 11, 15, 20 and 23; Taepke'939 is considered to disclose the invention substantially as claimed, including an antenna that defines an aperture intended to hold the antenna on an item of clothing related to the patient, but does not expressly disclose that the aperture have a wide end and a narrow channel adjacent the wide end. In the same problem solving area (the area of attaching items comprising antennas securely to clothing), both Lippert'563 and Wallerstorfer'995 teach antenna tags wherein an aperture comprises a wide end and a channel adjacent to the wide end formed to hold a portion of an item of clothing and hold the antenna in a substantially fixed position (Lippert'563 abstract;

Art Unit: 3762

Wallerstorfer'995: Fig. 10, aperture 47; column 6, lines 44-66). In the same field of endeavor, McEowen'237 teaches an antenna defining an aperture with a wide end and a narrower channel (Fig. 1, loop 9) in order to attach a communications device to the clothing of a user with additional security against dropping of the device and to provide an improved antenna (column 2, lines 19-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Taepke'939 with the antenna aperture capable of holding an article of clothing as taught by any of Lippert'563, Wallerstorfer'995, and McEowen'237 in order to provide the Taepke'939 system with the same advantages of holding an antenna in a substantially fixed position.

In reference to claims 6, 14 and 22, the Taepke'939 patent discloses the claimed invention except for rubberized grips. It would have been obvious to one of ordinary skill in the art at the time of the invention's conception to modify the antenna of the claimed device with rubberized grips since it is known in the art that rubberized grips can be used to improve the device's portability.

In reference to claims 16, 17 and 26, the Taepke'939 patent discloses the claimed invention except for a neurostimulator. However the Taepke'939 patent does teach the use of an implanted device in conjunction with an external programming device, and the use of an external programmer in conjunction with an internal device is quite common. Thus it would have been obvious to one of ordinary skill in the art at the time of the claimed invention's conception to modify the implanted neurostimulator with an external programmer due to the commonality of such a combination and to provide

Art Unit: 3762

the user with a convenient means for adjusting the stimulation parameters of the implanted device.

Regarding claims 32 and 35, molded plastic is a well known means of manufacturing device housings, specifically antenna heads.

7. Claims 1-9 and 11-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miesel et al. (US 6,162,180, hereinafter Miesel'180) in view of Lippert'563 or in view of Wallerstorfer'995 or in view of McEowen'237.

Regarding claims 1, 2, 4, 5, 8, 9, 12, 13, 18, 19, 21, 24, 25, 27-31, 33 and 34, Miesel'180 clearly discloses an antenna for medical devices and method therefor (title; abstract; Figure 5, antenna head 60) comprising a device housing (Fig. 5, antenna head 60 or processing unit 42; or Fig. 1, device 21); telemetry circuitry (Figure 8); a cable coupling the antenna to telemetry circuitry (Fig. 5, cable between antenna 60 and processing unit 42); wherein the edges of the antenna head can inherently be considered grip surfaces, since they must necessarily be handled in order to place the antenna head; and wherein the antenna defines an aperture and is formed to hold a portion of an item of clothing associated with the patient (column 8, lines 58-67).

Further regarding claims 1, 9, 18, 25 and 30, and regarding claims 3, 7, 11, 15, 20 and 23; Miesel'180 is considered to disclose the invention substantially as claimed, including an antenna that defines an aperture intended to hold the antenna on an item of clothing related to the patient, but does not expressly disclose that the aperture have a wide end and a narrow channel adjacent the wide end. In the same problem solving area (the area of attaching items comprising antennas securely to clothing), both

Art Unit: 3762

Lippert'563 and Wallerstorfer'995 teach antenna tags wherein an aperture comprises a wide end and a channel adjacent to the wide end formed to hold a portion of an item of clothing and hold the antenna in a substantially fixed position (Lippert'563 abstract; Wallerstorfer'995: Fig. 10, aperture 47; column 6, lines 44-66). In the same field of endeavor, McEowen'237 teaches an antenna defining an aperture with a wide end and a narrower channel (Fig. 1, loop 9) in order to attach a communications device to the clothing of a user with additional security against dropping of the device and to provide an improved antenna (column 2, lines 19-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Miesel'180 with the antenna aperture capable of holding an article of clothing as taught by any of Lippert'563, Wallerstorfer'995, and McEowen'237 in order to provide the Miesel'180 system with the same advantages of holding an antenna in a substantially fixed position.

In reference to claims 6, 14 and 22, the Miesel'180 patent discloses the claimed invention except for rubberized grips. It would have been obvious to one of ordinary skill in the art at the time of the invention's conception to modify the antenna of the claimed device with rubberized grips since it is known in the art that rubberized grips can be used to improve the device's portability.

In reference to claims 16, 17 and 26, the Miesel'180 patent discloses the claimed invention except for a neurostimulator. However the Miesel'180 patent does teach the use of an implanted device in conjunction with an external programming device, and the use of an external programmer in conjunction with an internal device is quite common.

Art Unit: 3762

Thus it would have been obvious to one of ordinary skill in the art at the time of the claimed invention's conception to modify the implanted neurostimulator with an external programmer due to the commonality of such a combination and to provide the user with a convenient means for adjusting the stimulation parameters of the implanted device.

Regarding claims 32 and 35, molded plastic is a well known means of manufacturing device housings, specifically antenna heads.

### ***Response to Arguments***

8. Applicant's arguments, see page 9, paragraph 2 through page 15, filed 20 July 2007, with respect to the rejection(s) of claim(s) 1-4, 7, 18-20, 23, 25, 27 and 29 under 35 U.S.C. §102(b) as anticipated by Cimochoowski'986 or, in the alternative, under §103(a) as obvious over Cimochoowski'9986 in view of Tiefengraber'110 or in view of Hagfors'221 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the previously applied reference in view of newly found prior art, as well as alone in view of newly found prior art.

9. Applicant's arguments, see page 19, paragraph 2 through page 21, filed 20 July 2007, with respect to the rejection(s) of claim(s) 9, 11, 12, 15, 18-20, 23, 25, 28 and 29 under 35 U.S.C. §102(e) as anticipated by Pool'975, or alternatively under §103(a) as obvious over Pool'975 in view of Tiefengraber'110 or in view of Hagfors'221 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the

Art Unit: 3762

previously applied reference in view of newly found prior art, as well as alone in view of newly found prior art.

10. Applicant's further arguments filed 20 July 2007 regarding the rejections of various claims under §103(a) as obvious over either Cimochoowski'986 or Pool'975 in view of Wallerstorfer'995 have been fully considered but they are not persuasive.

Claims 1-8, 16, 18-27 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cimochoowski'986 in view of Wallerstorfer'995. Claims 9, 11-23, 25, 26, 28 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pool'975 in view of Lippert'563 or in view of Wallerstorfer'995.

11. Principally, Applicant argues in paragraph 2 of page 12 that Cimochoowski'986 discloses that the antenna can be made sufficiently large to encompass the portion of the body around a torso, limb, or neck, and therefore cannot hold a portion of clothing of a patient in order to position the antenna relative to the implantable device. It is noted that the device of Cimochoowski'986 is intended for continuous daily use by the wearer, and in such events where the wearer is inclined to have on clothing, the antenna would necessarily encircle the clothing of the limb as well as the limb. e.g. the antenna would be mounted surrounding both a leg and the pants covering the leg. In this configuration, it is well within reason to consider the antenna to be holding a portion of an item of clothing associated with a patient. Further, it is noted that the antenna of Cimochoowsky'986 clearly defines the aperture through which the clothing is inserted. A similar argument is directed to Pool'975 on pages 19 and 20, and for similar reasons



Art Unit: 3762

Pool'975 can reasonably be seen as holding a portion of an item of clothing related to the patient wearing the Pool'975 device.

12. Regarding Applicant's arguments directed towards Wallerstorfer'995 on pages 16 and 17, it is noted that the antennas of Cimochoowski'986 and Pool'975 are already considered to define the aperture through which clothing is passed, and merely lack the desired shape of a wide end and a narrower channel adjacent the wide end. Therefore, Wallerstorfer'995 is relied upon to remedy the deficiency of an opening described as a wide end adjacent a narrow channel designed for the purpose of holding clothing. Wallerstorfer'995 is considered to be in the same problem solving area of securely and selectively attaching an item comprising an antenna to an article of clothing.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Flory whose telephone number is (571) 272-6820. The examiner can normally be reached on M - F 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher A. Flory

28 September 2007

**/George Manuel/**  
Primary Examiner